

## MIGRATORY WORKERS

*Exchange of notes at México March 10, 1947, with text of agreement signed January 31, 1947*

*Entered into force March 10, 1947; effective April 9, 1947*

*Supplemented by agreement of March 10, 1947<sup>1</sup>*

*Superseded by agreement of February 20 and 21, 1948<sup>2</sup>*

61 Stat. 4097; Treaties and Other  
International Acts Series 1857

*The American Ambassador to the Secretary of Foreign Affairs*

No. 673

MEXICO, D.F., March 10, 1947

### EXCELLENCY:

I have the honor to refer to the agreement reached by representatives of the United States and Mexican Governments as a result of the conferences held in Mexico City between January 27 and February 4, 1947, on the subject of the return to Mexico of illegal Mexican entrants into the United States, and their possible engagement by American employers as agricultural workers in the United States. The document setting forth this agreement has been duly signed in duplicate originals and is now in possession of the competent authorities of both governments.

I am directed to inform Your Excellency that my government approves the above mentioned document which, for the sake of clarity, is quoted below:

"In conference in the City of Mexico, Federal District, in the Conference Room of the Ministry of Foreign Relations, Messrs. William G. MacLean, representative of the Department of State; Ugo Carusi, Commissioner of the Immigration and Naturalization Service of the Department of Justice; Albert del Guercio, District Director of the Immigration and Naturalization Service in the District of Southern California; Maurice L. Stafford, Consul General of the United States of America, in representation of the American Embassy, and Harry F. Brown, observer for the Labor Office of the Department of Agriculture, who form the Delegation of the United States of America; and the members of the "Interdepartmental Commission in

<sup>1</sup> TIAS 1858, *post*, p. 1224.

<sup>2</sup> TIAS 1968, *post*, p. 1232.

Charge of Affairs Related to the Emigration of Mexican Workers", created by decree dated January 17, 1947, published in Official Register, no. 20, January 24, 1947, Messrs. Licenciado Benito Coquet, *Oficial Mayor of Gobernación*; Doctor Alfonso Guerra, *Oficial Mayor of Foreign Relations*, and Licenciado J. Jesús Castorena, *Oficial Mayor of Labor and Social Welfare*, technically advised for this occasion by Messrs. Arcadio Ojeda García, Head of the Department of Migration; Manuel Aguilar, Director General of the Consular Service, and Engineer Jorge Medellín, Head of the Department of General Security and Social Welfare of the Ministry of Labor, who form the Mexican Delegation,

"Resolve:

"That having carried on cordial discussions in a friendly atmosphere of mutual understanding, with the object of trying to solve, in the best form for the Governments of Mexico and of the United States, the migratory problems resulting from the illegal movement of Mexican workers, whose number according to estimated statistics presented by the Delegation of the United States has reached a total of 119,000, of which 100,000 are direct emigrants from Mexican territory and 19,000 are workers who not having completed their labor contracts have remained illegally in territory of the United States, being now found, like the direct entrants, giving their services for the most part in agricultural work, the Delegations reached agreement to submit the following conclusions to their respective Governments as recommendations:

"FIRST: At the request of the Mexican Delegation the United States Delegation agrees to submit to its Government the proposition that the entire contingent of Mexicans who have migrated illegally be returned preferably through the border ports of Mexicali, Ciudad Juárez and Reynosa with a view to making a selection which may permit them to return to employment in the United States under the protection of contracts which should be drawn up on bases acceptable to the two Governments.

"SECOND: The abovementioned contracting should be carried out through contracts signed by the representative of the employer in the United States (farmer) and by a representative of the Interdepartmental Commission referred to at the beginning, which is intervening in these conversations; said document to be endorsed in Mexican territory by an official of the Immigration and Naturalization Service of the United States of America, indicating that the employer (farmer) has complied with the requirements of the immigration laws of said country and has received due authorization to contract Mexican workers and to bring them into the United States.

"THIRD: Both Delegations will recommend to their respective Governments the reinforcement of their border patrols and of all methods of vigilance

to attain the greatest possible success for the control dispositions established to impede the illegal migration of Mexican workers.

"FOURTH: With a view to cooperation in the realization of this objective, the immigration authorities of the United States will deny authorization for the contracting of Mexican workers to those American employers (farmers) who in contravention of these recommendations use the services of agricultural workers who have entered illegally.

"The Mexican Delegation would appreciate the United States Delegation submitting to its Government the desire of the Mexican Government that the authorities of the United States study the possibility of adopting, in addition, legal measures under which United States employers who contract or use illegally migrated Mexican workers may suffer an adequate sanction.

"In formulating this suggestion, the Mexican Delegation has in mind that the adoption of such measures would constitute the most effective procedure for putting an end to this illegal migration.

"FIFTH: The Mexican Delegation agrees immediately to propose to its Government that, through not only the Ministries of Communications and Public Works but also through that of Gobernación and other state authorities, measures be suggested which may be considered pertinent to restrict as much as possible the sale of railroad or bus tickets to groups of workers proceeding to the border of Mexico with the United States, especially through the Punta Peñasco station, or the adoption as well of governmental measures which may prevent accumulations of workers at said border.

"SIXTH: With a view to impeding the migration to the United States of workers who have their permanent residence in border towns, it is suggested to the Delegation of the United States that those who are in this category be documented by the Mexican migration authorities only with Card Form 5-C, which only gives them the right to cross to the adjacent towns and not to be contracted for work in the interior of the United States. Therefore, all such who are clearly shown to be legal residents of border points should be excluded from contracts.

"SEVENTH: The Delegation of the United States will recommend to its Government the issuance of instructions to its diplomatic and consular representatives in Mexico with a view to having them abstain, as they have done to date, from documenting, as permanent residents of the United States, persons whose passports do not categorically so specify, with exception of those who have family ties in that country.

"EIGHTH: It is understood that it is a function of the United States Immigration Service to return workers found to be illegally in the United States from the place of detention to a border point between Mexico and the United States. Both delegations are of the opinion that the travel expenses of the workers from the United States border port adjacent to the place of contract to the place of employment and return should be for the

account of the employers in accordance with the requirements of Article 29 of the Mexican Labor Law.

"NINTH: Both Delegations will recommend to their respective Governments the greatest publicity for these measures and their underlying reasons, in order that the authorities charged with their application, can count upon the fullest support of public opinion in both countries, this publicity to be made simultaneously and on a date to be agreed upon by both Chanceries.

"TENTH: The agreements set forth shall become effective thirty days after they are approved by both Governments and notice thereof is given through their respective Chanceries, replacing the agreements concerning these questions signed by the United States and Mexican delegates in the City of Mexico, Federal District, on June 2, 1944,<sup>3</sup> and in the City of Washington on January 9, 1945.<sup>3</sup>

"In witness whereof, the present document has been prepared in sextuplicate in both Spanish and English and has been signed by the members of both Delegations on this thirty-first day of January, Nineteen hundred and forty-seven."

"Delegation of the United States

WILLIAM G. MACLEAN

MAURICE L. STAFFORD

Mexican Delegation

BENITO COQUET

J. JESÚS CASTORENA

MANUEL AGUILAR

ALFONSO GUERRA

ARCADIO OJEDA G.

JORGE MEDELLÍN"

I am requested to state also that, while my government is ready to comment informally as to the practicability of any contract proposed by the Mexican Government covering the terms of employment between United States employers and Mexican agricultural workers, my government cannot be a party to any contracts made or provide policing for the fulfillment of such contracts, as made clear in the discussions between the representatives of the two governments. The workers will have, however, the usual remedies or recourses available to residents in the United States in the same field of employment.

I also wish to point out to Your Excellency that my government considers the present agreement as distinct and independent of that entered into between our two governments in connection with the recruitment of agricultural workers by representatives of the United States Department of Agriculture in the sense that the first has to do with contractual relations

<sup>3</sup> Not printed.

between Mexican laborers and United States employers, whereas the second has to do with contractual relations between Mexican laborers and the United States Government.

If Your Excellency's Government approves the above quoted agreement and is in accord with the other paragraphs of the note, I propose to Your Excellency that this note and the reply to it constitute the exchange of notes contemplated in Article 10 of the agreement above quoted.

Please accept, Excellency, the renewed assurances of my highest and most distinguished consideration.

WALTER THURSTON

His Excellency

Señor Don JAIME TORRES BODET  
*Secretary of Foreign Relations,*  
*Mexico, D.F.*

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*The Secretary of Foreign Affairs to the American Ambassador*

[TRANSLATION]

[SEAL]

3204

MEXICO, D.F., *March 10, 1947*

MR. AMBASSADOR:

I have the honor to refer to Your Excellency's kind note No. 673 of March 10, 1947, which reads word for word as follows:

[For text of U.S. note, see above.]

In this connection I am happy to inform Your Excellency that the Government of Mexico accepts the above-quoted proposal and is in accord with the remarks, also quoted above, on the participation of United States authorities in the drafting and execution of individual work contracts, and on the fact that it is United States employers who will hire the agricultural workers, with no question of contractual relations between the latter and the Government of the United States.

I take pleasure in renewing to Your Excellency the assurances of my highest and most distinguished consideration.

JAIME TORRES BODET

His Excellency

WALTER THURSTON,  
*Ambassador Extraordinary and Plenipotentiary*  
*of the United States of America.*  
*City.*